

**A G E N D A  
RIO DELL CITY COUNCIL  
STUDY SESSION - 6:00 P.M.  
REGULAR MEETING- 6:30 P.M.  
TUESDAY, FEBRUARY 7, 2012  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. STUDY SESSIONS/PUBLIC HEARINGS - 6:00 p.m.**

2012/0207.01 - City Staff Work Tasks 2012

**1**

**E. CEREMONIAL**

2012/0207.02 - Proclamation in Recognition of Engineer's Week February 19-25<sup>th</sup>

**13**

**F. PUBLIC PRESENTATIONS**

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.*

**G. CONSENT CALENDAR**

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to*

*address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".*

- 1) 2012/0207.03 - Approve Minutes of the January 17, 2012 Regular Meeting (**ACTION**) 15
- 2) 2012/0207.04 - Approve Agreement with Jones Hall and Authorize the City Manager to Execute the Contract for Bond Counsel Services in Connection with General Obligation Bond Proceedings (**ACTION**) 26

#### H. SPECIAL PRESENTATIONS

#### I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2012/0207.05 - Revise Water Deposit Fee and Water Reconnection Fee (**DISCUSSION**) 37
- 3) 2012/0207.06 - Provide City Manager Direction on City Manager Succession (**ACTION**) 44

#### J. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2012/0207.07 - Approve Resolution No. 1143-2012 Approving an Election on the Question of Renewing the Countywide Abandoned Vehicle Abatement Fee to be Scheduled in Conjunction with the June 5, 2012 Primary Election (**ACTION**) 46
- 2) 2012/0207.08 - Approve Resolution No. 1144-2012 Determining that the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing through the Issuance of General Obligation Bonds (**ACTION**) 51
- 3) 2012/0207.09 - Introduction and First Reading (by title only) of Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held June 5, 2012 (**ACTION**) 58
- 3) 2012/0207.10 - Conduct Second Reading (by title only) and Approve Ordinance No. 282-2012 and Resolution No. 1141-2012 Amending the Plan and Zoning Designation of Approximately 5,050 sq. ft. from Town Center (TC) to Urban Residential (UR) (**ACTION**) 63
- 4) 2012/0207.11 - Introduction and First Reading (by title only) of Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC) (**ACTION**) 70

- 5) 2012/0207.12 - Introduction and First Reading (by title only) of Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC) **(ACTION)** 81
- 6) 2012/0207.13 - Introduction and First Reading (by title only) of Ordinance No. 286-2012 Approving General Sewer Use Regulations and Rates **(ACTION)** 93

K. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police – Monthly Police Report
3. Finance Director-
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

2012/0117.15 - Closed Session Concerning Labor Negotiations with Labor Negotiator; the City's Designated Representative City Manager Ron Henrickson (Pursuant to Government Section 54957.6) Concerning Rio Dell Police Officer's Association, Rio Dell Employees Association, and Contract Employees

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

*The next Regular meeting will be on February 21, 2012  
at 6:30 PM in the City Council Chambers*

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RHA*

DATE: February 7, 2012

SUBJECT: City Staff Work Tasks 2012

ATTACHEMENTS: 2012 Work Task Lists

COUNCIL ACTION:

Review and file

BACKGROUND:

Please find attached a summary of the proposed work tasks for 2012 for the City Manager, Chief of Police, City Clerk, Finance Director and Community Development Director. The purpose of the task lists are to outline work items planned to be addressed in the next year and insure they are consistent with the goals and objectives of the City Council. Obviously, unforeseen items will arise during the course of the year and priority of tasks may change, but the task lists serve as a framework.

This is also the time for Council to discuss any other goals and objectives they would like staff to address during the year.

RECOMMENDATION:

The City Manager recommends the Council note any other goals or objectives and receive and file the work task lists.



## 2012 Work Tasks – City Manager

(Note that it is the intent to have items 1-11 completed, except construction \*, before my departure)

1. Find a replacement
2. Resolve Plaza Project (completed)
3. Resolve Wastewater Bid issue and construct project \*
4. Put Street Improvement Program on ballot & conduct public inf. Campaign
5. Complete union/contract negotiations and execute new contracts
6. Finalize design for Wildwood Avenue and construct project \*
7. Finalize budget for 2012-13
8. Resolve river access issue/ Rivers Edge RV
9. Complete First Avenue conversion
10. Address Caltrans ADA on City sidewalks and accessibility
11. Revise fee for water shut off
  
12. Complete sewer/water consumption model study
13. Follow up with Shell Wind Energy project
14. Design program for existing CDBG funds
15. Move forward on Housing Maintenance Program

# Police Department/Chief Goals and Objectives 2012

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1. Crossing Guard

Have a uniformed representative of the Rio Dell Police Department facilitate the duties of the crossing guard at Wildwood Avenue and Center Street on Tuesday mornings to get community exposure and community participation.

2. LECAH

Regularly attend the monthly meeting of the Law Enforcement Chief's Association of Humboldt County to stay abreast of local law enforcement issues and develop better working relationships with area law enforcement agencies.

3. Department Training/Squad Meeting

Hold quarterly (minimally) department meetings/training to facilitate communication between members of the department, improve department level training, and improve moral.

4. Individual Response Survey

Send out community surveys to specific members of the community who have interacted with members of the department during a specific period of time (quarterly) to gauge community perception, response issues, and service issues, in order to provide the best possible service.

5. Training Goal #1 - ICI Core Course

Send Sergeant Wiener to this 80 hours investigations core course to enhance our department's ability to thoroughly investigate serious felony crimes, or in cases when we need to utilize the services of an allied agency, we will have the core knowledge to adequately supervise that investigation and reduce any associated liability.

6. Animal Control Ordinance

Complete the updates to the Animal Control Ordinance, present those changes for a final time to the Planning Commission and bring the final document before the City Council and complete the process.

## Police Department/Chief Goals and Objectives 2012

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7. Complete BA

Complete one final class associated with my Bachelors' Degree in Social and Criminal Justice (3 units remaining).

8. Open Gym Basketball

Facilitate a one to two times per week open gym basketball program that will serve area youth and young adults and provide a healthy activity for these individuals and allow interaction with members of the department, as well as providing positive exposure for the department.

9. Traffic Committee Meetings

Hold quarterly Traffic Committee meeting that address community traffic safety concerns or project related concerns and develop viable recommendations to make to the appropriate entities concerning those issues.

10. NIMS Compliance

Evaluate the City of Rio Dell's compliance in regards to the National Incident Management System and facilitate meeting those compliance issues in a timely manner to maintain eligibility for federal disaster funding should the need arise.

11. Generator Installation

Develop a proposal to install the Police Department's generator at City Hall.

12. First Responder Course

Officer Lungi and I attend and complete the First Responder Course (which will be sponsored by the Rio Dell Fire Department this year), in order to maintain the departments desire to have all personnel First Responder certified.

13. Fleet Program

Research, develop and propose a sustainable fleet replacement program that will be viable for the Police Department (and possibly city-wide), to reduce vehicle maintenance costs.

# Police Department/Chief Goals and Objectives 2012

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## 14. Identify/Propose Equipment Needs

Evaluate the department's equipment needs and prioritize those needs for the 2012-2013 budget process. Maintain a record of what needs are met and what needs go unmet to provide consistency for subsequent reviews.

## 15. Community Survey

Re-issue the 2009 Community Survey document to the entire community for the purpose of measuring our performance since the survey was last issued, taking into account changes in the department make-up as well as the department's enforcement strategies.

## 16. Fee Study

Study the current fee structure of the police department and make adjustments as necessary to adequately recoup costs associated with department activities. (some fees have not been addressed since the 1980's).

## 17. Training Goal #2 – H&S 11550 Training

Send Officer Lungi to drug user identification training to meet our goals of having every officer trained in this discipline to address community needs.

## 18. Start Master Program

Review and evaluate programs that offer masters degrees as it is my intention to pursue this level in my educational goals.

## 19. Review Emergency Operations Plan

Thoroughly review the City of Rio Dell Emergency Operations Plan and determine if it meets federal and State requirements, the community's needs, staffs needs, and address areas as needed to bring it into compliance.

## 20. Paperless Records Proposal

## Police Department/Chief Goals and Objectives 2012

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Review and evaluate a system for scanning all of our department records into an electronic data-base that will allegedly increase efficiency, and security. This project has already been assigned to Sergeant Wiener who is preparing a proposal for review.

### 21. Training Goal #3 – Executive Development

During fiscal year 2012-2013 I will be eligible for POST training reimbursement again and intend on attending the POST Executive Development Course to obtain my POST Executive Certificate.

### 22. Proposition 215 Enforcement/Compliance strategy

Work with other staff as well as outside agencies (RDVFD) to develop a strategy that can be followed to address concerns related to Proposition 215 marijuana grows within Rio Dell city limits. Specifically building code and fire code violations related to illegal structures and construction.

### 23. Implement Survey Results

Review and analyze the results from the survey issued and address any issues that come up accordingly, creating new “shift expectations” for the department.

### 24. City-Wide Emergency Operations Training

Using the review of the Emergency Operations Plan, and review of performance in prior city-wide emergencies; create a city-wide training, that includes the City Council and all departments, that clearly defines everyone’s role in the case of this type of event. Include the fire department and school as necessary in order to avoid conflict during the course of an actual emergency.

### 25. Identify/Purge Surplus Property

Officers have noted old out-dated equipment that is no longer used and taking up space and it will be a goal this year to identify that property and dispose of it accordingly in order to create space within the department.

## Police Department/Chief Goals and Objectives 2012

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### 26. Develop 3 Year Strategic Plan

Utilizing the survey results and other available information it is my intent to create a strategic plan for the department that will keep us viable, explain the department's role in the city, and assist in the decision making process for city officials in regards to the police department.

### 27. Reserve Officer Program Goals

We intend on having two additional Reserve Police Officers on board by the end of 2012.

### 28. Use of Volunteers

It is the department's intent to utilize non-sworn volunteers to help fill the gaps left by 2011 layoffs and allow staff to spend more time in the field. We will be utilizing two volunteers by the end of 2012.

January	February	March	April	May	June
Crossing Guard (weekly)	Crossing Guard (weekly)	Crossing Guard (weekly)	Crossing Guard (weekly)	Community Survey	Training Goal 11550
LECAH	LECAH	LECAH	LECAH	Fee Study	Start Masters
Dept. Training/Squad Meeting	ICI Core Course	Complete B.A.	Generator Installation	LECAH	Review Emergency Ops
Individual Response Survey	Animal Control Ordinance	Open Gym Basketball	Individual Response Survey	Dept. Training/Squad Meeting	Traffic Committee Meeting
		Traffic Committee Meeting	First Responder Course	Crossing Guard (weekly)	LECAH
		Dept. Training/Squad Meeting	Fleet Program		Paperless Records Proposal
		NIMS Compliance	Identify/Propose Equip. Needs		

July	August	September	October	November	December
Schedule Exec. Develop.	Develop 215 Enforcement	City-wide EOP Training	LECAH	Strategic Plan	Reserve Program Goals
LECAH	Implement Survey Results	Traffic Committee Meeting	Individual Response Survey	LECAH	Traffic Committee Meeting
Dept. Training/Squad Meeting	LECAH	LECAH	Crossing Guard (weekly)	Dept. Training/Squad Meeting	LECAH
Individual Response Survey		Dept. Training/Squad Meeting	Identify-Purge Surplus Prop.	Crossing Guard (weekly)	Crossing Guard (weekly)
		Crossing Guard (weekly)			Non-sworn Volunteers

# 2012 Work Plan- Finance Department

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1. Solicit and Contract with a new Auditing Firm
2. Implement Integrated Accufund Loan Tracker
3. Train and Improve the ITRON and Accufund U/B System
4. Purchase and Implement Accufund Budgeting System
5. Complete the 2012-2013 Budget Beginning March 1, 2012 and Improve the Process to allow for improved planning by department heads
6. Improve the Annual Budget Document and Apply and Receive the Excellence in Budgeting Award
7. Complete the Financing Package for the Phase II Sewer Project and begin Construction and Financial Management
8. Financial Management of the Wildwood TE Project
9. Close the FERSM Brownfield's Project
10. Assist in the completion of the CORD Employee Handbook
11. Hire/Cross train a replacement for Kathy who plans to retire in the Spring
12. Complete the 2011-2012 Audit
13. Improve the Finance Department Policy and Procedure Manual





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*675 Wildwood Avenue*

*Rio Dell, CA 95562*

To: Ron Henrickson, City Manager

From: Karen Dunham, City Clerk

Date: December 28, 2011

Subject: Goals and Priorities - 2012

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1. Update Employee Handbook
  2. Complete requirements to obtain Certified Municipal Clerk (CMC) designation
  3. Set up new Central Filing System
  4. Process Records for Destruction
  5. Update Candidate Election Packet
  6. Work with Community Development Director to streamline the Building Permit process
  7. Revise Building Permit Application
  8. Work on update of the City's web site
  9. Prepare and implement a City Clerk's Procedures Manual
  10. Complete Dissolution of Municipal Water Corporation
  11. Assist City Manager with other tasks/projects as needed
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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



## MEMO

To: Ron Henrickson, City Manager  
From: Kevin Caldwell, Community Development Director  
Date: December 29, 2011  
Subject: 2012 Goals and Priorities

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As you requested, below are my recommended goals/tasks I hope to complete in 2012. Of course this is subject to direction provided by you, the Council and the Planning Commission.

### **Advance Planning**

- Implementation of the Wildwood Avenue enhancement project;
- Amending, adopting and implementing the Town Center designation and use types;
- Adoption and implementation of the City's amended Second Unit regulations;
- Adoption and implementation of the City's amended Home Occupation regulations;
- Preparation, adoption and implementation of a Design Review combining zone regulations;
- Preparation, adoption and implementation of Lot Size Modification regulations;
- Preparation, adoption and implementation of Parking regulations;
- Preparation, adoption and implementation of Fence regulations;
- Preparation, adoption and implementation of Setback averaging regulations;
- Preparation, adoption and implementation of Environmentally Sensitive Habitat Areas regulations;
- Preparation, adoption and implementation of Cargo Container regulations;
- Preparation, adoption and implementation of the Circulation Element;
- Preparation, adoption and implementation of the Noise Element;
- Preparation, adoption and implementation of traditional residential zoning designations;
- Complete processing of General Plan/Zoning Amendment for approximately 25 acres of the Eel River Sawmill Site from Public Facility to Industrial Commercial;

## **Current Planning**

- Process subdivision and environmental review for the Rio Dell Plaza;
- Update Zoning Ordinance to address direction from the City Council and Planning Commission;
- Complete the Dinsmore Plateau Subdivision, General Plan and Zoning Amendments;
- Assuming the Broussard lot line adjustment is recorded; complete the Plan Amendment and Zone Reclassification.
- Pending submittal, process the Albin Subdivision, Plan Amendment and Zone Reclassification;
- Continue processing tentative maps, use permits, zoning amendments, and other applications in a timely and cost effective manner.

## **Rental Housing Program**

- Adoption and implementation of the Rental Housing Inspection Program;
- Adoption and implementation of the Rental Housing Business License provisions;

## **Community Development Block Grant Program**

- Manage the City's CDBG Owner-Occupied Rehabilitation Program;
- Monitor and pursue available CDBG and HOME grant programs;

## **Building**

- Continue to streamline the Building Permit process and make information about requirements and the process for obtaining permits available on the City's web site;
- Join California Association of Building Officials (CALBO), \$140.00;
- Evaluate attending CALBO plan check and building inspection classes;
- Evaluate assuming plan check and building inspection responsibilities.

## **HCAOG**

- Represent Rio Dell in HCAOG's Regional Blueprint Planning Project;
- Represent Rio Dell in HCAOG's Regional Housing Needs Allocation (RHNA) Project;
- Represent Rio Dell in HCAOG's Regional Transportation Demand Model (TDM);

## PROCLAMATION OF ENGINEER'S WEEK FEBRUARY 19<sup>th</sup> through 25<sup>th</sup>, 2012

**WHEREAS**, America's Engineers transform ideas into reality, solving problems using science and technology to produce services and systems to better serve the needs of society; and,

**WHEREAS**, Civil Engineers serving the City of Rio Dell, the State and the Country, work to design and construct the following types of projects:

- |                |                              |
|----------------|------------------------------|
| ▪ Airports     | ▪ Bridges                    |
| ▪ Roads        | ▪ Buildings                  |
| ▪ Railroads    | ▪ Water Systems              |
| ▪ Harbors      | ▪ Flood Control Facilities   |
| ▪ Parks        | ▪ Wastewater Treatment       |
| ▪ Subdivisions | ▪ Seismic Safety Projects    |
| ▪ Surveys      | ▪ Environmental Enhancements |

**WHEREAS**, Civil Engineers strive for quality, economy and the betterment of life of our community; and,

**WHEREAS**, throughout the Nation the week of February 19<sup>h</sup> through the 25<sup>th</sup> 2012 is being recognized as National Engineer's Week, coinciding with George Washington's birthday, our nation's first engineer; and,

**WHEREAS**, throughout the year, the San Francisco Section of the American Society of Civil Engineers (ASCE) is celebrating its 108<sup>th</sup> anniversary,

**NOW, THEREFORE**, BE IT RESOLVED that the City of Rio Dell in recognition of the contribution of Engineers to society and in an effort to promote the interest of the youth in the community in math, science and engineering, does hereby declare the week of February 19<sup>th</sup>, 2012 as Engineer's Week in the City of Rio Dell.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Julie Woodall, Mayor

City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

**Subject:** Engineer's Week Proclamation; February 7<sup>th</sup>, 2012 City Council Meeting

On behalf of the North Coast Branch of the American Society of Civil Engineers (ASCE), we ask that you consider approving the attached proclamation. Engineer's Week is nationally recognized annual event to raise the public awareness of engineers and our impact on society.

The North Coast Branch of ASCE represents Humboldt and Del Norte Counties. We ask the City of Rio Dell to join Humboldt County and other local government bodies in proclaiming the week of February 19<sup>th</sup> – 25<sup>th</sup> as Engineer's Week.

If you have any questions, do not hesitate to call me at (707) 443-8326.

Sincerely,

*Yoash Tilles*

Yoash Tilles  
Treasurer, North Coast Branch of ASCE

Enclosure (1)

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
STUDY SESSION  
JANUARY 17, 2012  
MINUTES**

The Regular Meeting/Study Session of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Woodall.

**ROLL CALL:** Present: Mayor Woodall, Councilmembers Leonard, Thompson and Wilson

Absent: Councilmember Marks (arrived at 6:50 p.m.)

Others Present: Study Session: City Manager Henrickson, Community Development Director Caldwell and City Clerk Dunham  
Regular Meeting: City Manager Henrickson, Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell, and City Clerk Dunham

Absent: Water Superintendent Jensen and Wastewater Superintendent Chicora (excused)

**STUDY SESSIONS/PUBLIC HEARINGS**

Street Assessment Project

City Manager Henrickson stated for several months he has been exploring the possibility of the issuance of General Obligation Bonds to finance the costs of constructing much needed street improvements. He said approximately 80% of the existing roadways would be improved with either an asphalt overlay or slurry seal coat. He said doing all the streets at the same time would be the most economical and cost effective approach as there would be less cost per unit. He said he contacted the same engineering firm the County used and was given a project cost estimate of \$2.8 million for improvement of approximately 11.5 miles of existing streets. He said if the full amount was assessed, a typical home on Ogle Ave. would be assessed \$190 per year for 15 years; \$169 for First, Second or Third Ave.; and \$215 for Riverside Dr., based on assessed value. His recommendation was that the City issue \$2 million in bonds and the remaining \$800,000 to be funded with General Fund reserves. This would bring the assessments down to \$137 per year for Ogle Ave.; \$122 for First Ave.; and \$155 for Riverside Dr. which would be a substantial savings to homeowners.

He further explained that generally 15% of a City's operating budget is set aside as reserves and with that in mind; we would only need to retain a balance in reserves of \$400,000 to \$450,000. He said the estimated balance in reserves will be approximately \$1.2 million at the time of the issuance of the bonds if approved.

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City Manager Henrickson said with Council concurrence, he will bring forward on February 7<sup>th</sup>, a ballot measure and resolution for Council consideration. The ballot measure will be submitted to voters of the City at the Special Municipal Election to be held on June 5, 2012 and will require 2/3 approval of all qualified voters.

Mayor Woodall asked if slurry seal would be applied to First, Second and Third Ave.; City Manager Henrickson said that a portion of that area would have an asphalt overlay and the rest would have slurry seal.

Councilmember Wilson asked if improvements would be done to every street in the City and if the improvements were expected to last 15 years; City Manager Henrickson said roughly 80% of the roadways would be improved and typically asphalt overlays have a life expectancy of 12-15 years.

Mayor Woodall asked if the streets on Ogle and Belleview would need to be re-done at such time the drainage is addressed in that area; City Manager Henrickson explained drainage improvements in that area would cost in the range of a half a million dollars and that there was absolutely no funding available for that project at this time. He said that recent drainage improvements were done which alleviated some of the drainage problems in that area however until funding becomes available there is not much more that can be done to address the drainage.

Councilmember Leonard asked if the assessments were based on the current assessed value of homes and what the average assessment was for homes on Riverside Dr.; City Manager Henrickson said the amount is based on assessed value and provided the Council agrees to move forward, he will provide solid numbers for assessed values of homes.

Councilmember Thompson commented that the number one complaint he hears from citizens has to do with the poor condition of City streets and felt we should move forward and see if the voters are in support of the measure.

City Manager Henrickson said the reality is that if we don't address the street improvements soon, the cost will be much greater because more of the streets will require complete reconstruction and given the City's financial situation, it won't be achievable. He noted that in order to keep the condition of the streets status quo, maintenance costs would be \$300,000 per year; for little improvement, \$400,00 per year; and to maintain properly, \$550,000 per year. He pointed out that the City only spent \$8,000 last year on street maintenance. He said the City's job is to point out the value and merit of the proposed improvements then put it before the voters to decide if they are willing to help pay for those improvements.

Councilmember Wilson asked where the money comes from to replenish the reserves; City Manager Henrickson explained that reserve funds can either be budgeted or reserve funds can accumulate by spending less than what is budgeted for expenses or by receiving more revenue than projected.

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City Manager Henrickson said basically the City currently has a healthy reserve balance and the question is whether this is a meritorious use of those funds.

Councilmember Wilson said that he is hesitant to take funds away from the General Fund reserves; however he is in favor of the proposed street improvements.

City Manager Henrickson noted that at \$1.2 million, the City has more money in reserves than necessary and reiterated that the auditors suggest a reserve policy of retaining 15% of the City's operating budget or around \$450,000.

Councilmember Wilson said he did not have a problem with using Street reserves but was concerned about replenishing General Fund reserves. He said he was not comfortable with a \$450,000 reserve balance with pending potential litigation. He said he would be more comfortable with a \$700,000 reserve balance.

Councilmember Wilson then asked if the Shell Wind Energy Project was factored in since the City would be asking for street improvements to Belleview Ave./Blue Slide Road should that route be chosen for transportation of the turbines; City Manager Henrickson stated that it was not factored in but that those street improvements equated to approximately \$450,00. He said one option would be to ask Shell to make cash contribution in lieu of street repairs and that money could be put back into reserves.

Mayor Woodall said that she was in favor of moving forward since ultimately it would be up to the voters to decide whether they want to contribute to funding of the street improvements.

Councilmember Wilson agreed to move forward in order to see exactly what the assessment amounts will be.

The overall consensus of the Council was that the City Manager proceed with the establishment of a Street Improvement Bond Measure in conjunction with the June 5, 2012 Special Municipal Election.

The Study Session ended at 6:30 p.m. and the regular meeting resumed.

**CEREMONIAL**

Swearing in of Raymond Brady as Reserve Officer

Swearing in of Nick Angeloff as Planning Commissioner

City Clerk Dunham proceeded with the swearing in of Raymond Brady as Reserve Police Officer and Nick Angeloff as Planning Commissioner to fill the unexpired term ending December 31, 2013.



## **PUBLIC PRESENTATIONS**

None

## **CONSENT CALENDAR**

Mayor Woodall announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Motion was made by Wilson/Leonard to approve the consent calendar including approval of minutes of the January 3, 2012 regular meeting. Motion carried 4-0.

## **SPECIAL PRESENTATIONS**

### Budget Presentation for Fiscal Year Ending June 30, 2011

Finance Director Beauchaine presented an overview of the *Operating Budget Variance by Department and Fund Type for the Period Ending 6/30/2011*.

In summary, she reported that overall operating revenues exceeded projections by 13%; and the City's overall operational expenditures were under budget by 5%.

Councilmember Wilson asked if the variances were the result of staff reorganization; Finance Director Beauchaine stated that extensive budget projections were prepared at that time however the budget was not amended as the total expenditures were at or below the total appropriations originally adopted. Because of that, significant variances resulted within selected departments that were heavily impacted however, the overall expenditures came in below appropriations by 5%.

Councilmember Marks arrived at this time, 6:50 p.m.

## **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

### Approve Open Gym Basketball Program

Chief of Police Hill reported that back in the mid 1990's, under Police Chief Shipley, he supervised an open gym basketball program that took place in the gymnasium at the Rio Dell School. The program was part of the Rio Dell Police Activities League which also included a wrestling program. The program ended due to the lack of volunteers; not the lack of participants.

He said he would like to revisit the open gym program and said he had already spoken to the school Superintendent, Mary Varner, and she said she would support the program and felt the

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program would be very well received by the School Board. He noted the school would require a certificate of insurance from the City in the amount of \$1 million as well as a waiver from participants (or parent if a minor) holding the City of Rio Dell and the School harmless for any issues arising as a result of participation.

Chief of Police Hill further stated the financial impact of the program would consist of the purchase of a few basketballs, a couple of whistles and t-shirts that would clearly identify supervisory staff to participants. The initial cost would be around \$300.00 and would have an annual operating cost of around \$150.00 for replacement of shirts and equipment as needed.

Mayor Woodall said she liked the idea and thought it would be good for kids in our community.

Councilmember Thompson asked if there were any plans to incorporate the program with the Scotia Gym; Chief Hill said he would certainly take into consideration other local programs so as not to interfere with other ongoing program schedules.

Councilmember Wilson said he felt it would be money well spent.

Motion was made by Leonard/Thompson to approve the Open Gym Basketball Program as described. Motion carried 5-0.

Direct City Manager to Establish Fire Sprinkler Connection Policy

City Manager Henrickson stated the State of California has now required that all new single family dwellings have a fire sprinkler system. The question is whether the City should require a separate water meter for the sprinkler system. He said he discussed the matter with the City Attorney who indicated that separate meters are not required and it is basically a policy decision for each jurisdiction.

City Manager Henrickson said it is more costly for separate meters and the fire sprinkler meter requires a backflow preventer which adds further costs in addition to the annual cost of testing the backflow preventer. With the use of a single meter, the fire sprinkler system will not function in the event the domestic water supply is shut off for any reason. In the event the City shuts off water service to a residence with a single meter and a fire sprinkler system exists, the Attorney is recommending the residence be red tagged.

Mayor Woodall asked what happens when a residence is red tagged; City Manager Henrickson explained a red tag prohibits the occupants from residing in the home until such time water service is resumed.

Councilmember Thompson asked if a backflow preventer would be required with a single meter; City Manager Henrickson said it would only be required for a separate fire sprinkler meter.

## JANUARY 17, 2012 MINUTES

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Mayor Woodall then asked what the process was for red tagging a residence; City Manager Henrickson explained that if a residence with a fire sprinkler system has its water service shut off for non-payment, the residence will be red tagged which requires that the occupants vacate the premises until such time water service is restored, staff will do a routine follow-up to make sure the residents have complied with the order; if not staff will follow up with the City Attorney to initiate the eviction process.

Mayor Woodall asked who would be responsible for legal fees; City Manager Henrickson stated the City could go after the property owner for legal fees.

Councilmember Marks stated she was leaning toward the single meter option but questioned how those services would be monitored and whether it would require additional work by staff; Finance Director Beauchaine explained those services with fire sprinkler systems will need to be flagged in the system and monitored.

City Manager Henrickson said his recommendation is that the City establishes a policy that allows the use of a single meter for both domestic water and fire sprinklers. He pointed out that a back flow preventer is not required with one meter unless it serves a three story structure.

Motion was made by Thompson/Leonard to direct the City Manager to establish a policy to allow use of a single water meter for both domestic water and fire sprinklers.

Adam Dias asked if it would cost the homeowner of a new residence with a fire sprinkler system more for water; staff responded by stating that the only additional cost would be during construction.

Deborah Bare stated that money is tight and there is already a charge for establishing water service and that the rates for water and sewer are already extremely high without adding another charge; City Manager Henrickson pointed out that the regulations only apply to new homes built after January 2011.

Nancy Graves stated: "there is also the element of sabotage."

City Manager Henrickson reiterated that the City Attorney recommended red tagging any new residence with a fire sprinkler system when the domestic water is shut off.

Motion then carried 5-0.

#### Status Report on Rio Dell Plaza Project

City Manager Henrickson stated with respect to the Rio Dell Plaza Project, he regretted to report that staff was unable to reach an agreement with the property owner and therefore the City will not be moving forward with the proposed project. He said he firmly believes that the project

would have been a huge asset to the City and while he is disappointed, he trusts that someday someone, somehow will develop that site. He presented a letter dated December 27, 2011 from Linda Todd to the Council and public for their review which addressed her concerns regarding the option agreement.

Deborah Bare stated that she realized how hard the City Manager worked to try and make this project happen and said in time the City of Rio Dell will have a new town center but felt the proposed site was not the ideal location.

### **ORDINANCES/SPECIAL RESOLUTIONS**

Second Reading (by title only) and Adoption of Ordinance No. 280-2012 Amending the Urban Residential and Suburban Residential Zones, Sections 17.20.020(2)(a) and 17.20.030(2)(b) Respectively of the Rio Dell Municipal Code by Removing Home Occupations as Conditionally Permitted Uses

Community Development Director Caldwell stated this item was introduced at the January 3, 2012 City Council meeting and is being brought before the City Council tonight for its second reading and adoption as the result of some discrepancies identified in the Home Occupation provisions of the Rio Dell Municipal Code. He said in the current provisions, Home Occupations require a Conditional Use Permit under the development standards for the Urban Residential and Suburban Residential zones. (Sections 17.20.020 and 17.20.030). Under Section 17.30.120 *Home Occupation Businesses*, Home Occupations are clearly permitted as appurtenant and accessory uses to any residential use. He further stated that staff has historically approved Home Occupations in all residential zones provided they meet the prescribed development standards as principally permitted uses as with other jurisdictions. He said staff and the Planning Commission is recommending amending Sections 17.20.020(2)(a) and 17.20.030(2)(b) of the Rio Dell Municipal Code by removing Home Occupations as conditionally permitted uses.

A Public Hearing was opened at 7:25 p.m. to receive public comment on the proposed ordinance.

Adam Dias asked for clarification on the reason for the amendments; Community Development Director Caldwell explained that basically the revision is to clean up some discrepancies identified in the Home Occupation provisions of the Rio Dell Municipal Code.

There being no further public comment, the public hearing closed at 7:27 p.m.

Motion was made by Thompson/Marks to approve the recommended amendments and adopt *Ordinance No. 280-2012 Amending the Urban Residential (UR) and Suburban Residential (SR) Zones, Sections 17.20.020(2)(a) and 17.20.030(2)(b) Respectively of the Rio Dell Municipal Code by Removing Home Occupations as Conditionally Permitted Uses*. Motion carried 5-0.

Second Reading (by title only) and Adoption of Ordinance No. 281-2012 Amending the Second Dwelling Unit Regulations, Section 17.25.180 of the Rio Dell Municipal Code

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Community Development Director Caldwell stated this item was introduced at the January 3, 2012 City Council meeting and amends the City's Second Dwelling Unit regulations. After review of the recommended changes including a recommendation from the Planning Commission that the height for detached second dwelling units be increased to 35 feet, Council directed staff to amend the recommended building height standards for detached second dwelling units to not exceed the height of the existing primary unit up to a maximum of 24 feet.

Councilmember Thompson suggested the language under Item (k) be amended to read "no higher than the existing dwelling up to a maximum of 24 feet" rather than "less" than the existing dwelling. Staff agreed to strike the word "less" and to add the words "no higher than."

A public hearing was opened at 7:32 p.m. to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Deborah Bare asked for clarification on the maximum building height for a second dwelling unit; Community Development Director Caldwell stated the maximum height is 24 feet provided it does not exceed the height of the existing primary unit.

There being no further public comment, the public hearing closed at 7:34 p.m.

Motion was made by Marks/Leonard to adopt *Ordinance No. 281-2012 Amending the Second Dwelling Unit Regulations, Section 17.25.180 of the Rio Dell Municipal Code*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 282-2012 and Resolution No. 1141-2012 Amending the Plan and Zoning Designation of Approximately 5,050 sq. ft. from Town Center (TC) to Urban Residential (UR)

Community Development Director Caldwell stated this item is the result of an approved lot line adjustment between two parcels owned by Jason and Garyn Broussard. One of the parcels (053-115-004) is designated Urban Residential (UR) and the other parcel (053-115-006) is designated Town Center (TC). He said a portion of the parcel in the Town Center is proposed to be adjusted to the parcel within the Urban Residential zone. To avoid having a mixed use parcel, the Planning Commission made a condition of approval that the applicants either grant an access easement through APN 053-115-004 to the adjusted area; or apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR). Since a property owner cannot grant access easements to themselves, the applicants submitted the General Plan and Zone boundary adjustment application, fulfilling the required condition of approval.

The required Notice of Lot Line Adjustment and Certificate of Subdivision Compliance were recorded on December 8, 2012 and staff received a copy of the recorded document on December 29, 2011.

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**Page 9**

Community Development Director Caldwell said the recommendation is to introduce Ordinance No. 282-2012 and Resolution No. 1141-2012 amending the plan and zone designation of approximately 5,050 square feet from Town Center (TC) to Urban Residential (UR) and to continue consideration of the proposed Ordinance and Resolution to the February 7, 2012 meeting for second reading and adoption.

Councilmember Thompson asked if the applicants are still the owners of both parcels; Community Development Director Caldwell noted that the parcel designated Town Center on Wildwood was recently sold.

Councilmember Marks asked if the Wildwood Ave. parcel still meets minimum lot size requirement of 5,000 square feet; Community Development Director Caldwell commented that the minimum lot size requirement for parcels within the Town Center is 2,500 square feet and that both adjusted parcels meet minimum lot size requirements within the respective zones.

A public hearing was opened at 7:39 p.m. to receive public input on the proposed Ordinance and Resolution. There being no public comment, the public hearing closed.

Motion was made by Marks/Leonard to introduce Ordinance No. 282-2012 and Resolution No. 1141-2012 amending the plan and zone designation of approximately 5,050 square feet from Town Center (TC) to Urban Residential (UR). Motion carried 5-0.

#### **REPORTS/STAFF COMMUNICATIONS**

City Manager Henrickson reported on recent activities in the City Manager's department and stated he received a request from Winzler & Kelly to execute an Assignment Agreement to GHD Inc., the engineering company they have recently merged with. He said he discussed the contract with the City Attorney and he approved execution of the contract. He also reported that 94 letters were sent out to residents and businesses on the southern part of Wildwood Ave. inviting them to attend a meeting at either 12:00 or 5:30 p.m. on Thursday to discuss the Wildwood Ave. Streetscape Project.

Finance Director Beauchaine reported on recent activities in the finance department and stated in the Council packet was the check register as requested; was working on completion of the audit; and was preparing the Requests for Proposals (RFP's) for auditing services.

Chief of Police Hill reported on recent activities in the police department and provided a brief review of the Annual Police Report as submitted.

Councilmember Wilson referred to the *Arrests by Time of Day/Day of Week* and asked why there were 12 arrests on Saturday between 9 and 10:00 p.m.; Chief Hill explained the police officers work (4) 10 hour shifts with an overlap of 2 officers on Saturday so there is typically more activity during that time.

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Councilmember Thompson referred to Stop Sign Violation totals month to month and commented that 1 violation seemed low; Chief Hill explained the report did not represent the number of total citations and that it was actually part of a particular incident, citation or infraction and not an arrest.

Councilmember Thompson then questioned the 1 offense reported for unlawful use of telephone; Chief Hill explained that was not a cell phone offense but actually a crank call offense.

Chief Hill stated he has the capability of generating actual numbers related to stop sign and cell phone citations and would present that report to the Council in a couple of months if they so desired. Councilmember Thompson said he felt it would be useful information for Council and the public.

Chief Hill reported that overall, crimes have dropped from the previous year.

Lastly, Chief Hill reported that he was able once again to take advantage of the Cal-Works Program and Kathryn Evans was now working part time in the police department through the month of September.

Community Development Director Caldwell reported on recent activities in the planning department and stated he would be bringing forth to the Planning Commission on January 25, 2012 (3) items: Lot Size Modification Provisions; Front Yard Setback Averaging Provisions; and Side Yard Setback Provisions for Corner Lots. He also reported that it was discovered that fencing regulations were inadvertently left out of the Rio Dell Municipal Code with codification of ordinances; however the provisions are still in force under Ordinance No. 167.

#### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Thompson reported on his attendance at Humboldt Waste Management Authority and reported the Board voted to cease negotiations with Arcata Recycling Center (ACRC) and hired a lawyer; stated they were working on the development of a food digester; reported on Arcata's recent plan to place a ban on plastic bags and plastics in general and said the issue may be coming to the Council for support. He also reported on his attendance at Redwood Coast Energy Authority (RCEA) and provided information on an upcoming meeting in Eureka regarding the development of new turbine technology. He said on the next RCEA meeting agenda will be a resolution supporting hydrogen energy and fuel cells for cars.

#### **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:02 p.m. to the February 7, 2012 regular meeting.

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Attest:

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Julie Woodall, Mayor

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Karen Dunham, City Clerk



675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RH*

DATE: February 7, 2012

SUBJECT: Approving Agreement with Jones Hall

ATTACHEMENT: Agreement with Jones Hall, a professional law corporation

**Council Action:**

By motion move to approve the Agreement with Jones Hall and authorize the City Manger to execute the contract.

**Background:**

In order to explore the feasibility of developing a Street Improvement Assessment Project it is necessary to explore financing options. It appears the least costly avenue would be to obtain 15 year financing through the United States Department of Agriculture, USDA, which would require the City to issue General Obligation bonds paid for by an assessment to all Rio Dell properties. Note that any assessment project would have to be approved by the voters prior to being undertaken. Jones Hall has agreed to work with the City as bond counsel at practically no charge unless the voters approve a ballot measure and bonds are sold to finance the project. The Jones Hall Agreement has been reviewed by the City Attorney.

**Financial impact:**

Funding of virtually all of the costs would be from the bond issue for the Street Improvement Project should the project be undertaken.

**City Manager Recommendation:**

The City Manager recommends approval of the Jones Hall Agreement.

Jones Hall,  
a professional law corporation  
attorneys at law

**AGREEMENT**

**BY AND BETWEEN THE CITY OF RIO DELL AND  
JONES HALL, A PROFESSIONAL LAW CORPORATION,  
FOR BOND COUNSEL SERVICES IN CONNECTION WITH  
GENERAL OBLIGATION BOND PROCEEDINGS**

THIS AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the CITY OF RIO DELL, (the "City", or the "Client") and JONES HALL, A PROFESSIONAL LAW CORPORATION, San Francisco, California ("Attorneys");

**WITNESSETH:**

**WHEREAS**, the City of Rio Dell (the "City") is authorized to issue general obligation bonds to finance municipal improvements pursuant to the provisions of Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code (the "Act"); and

**WHEREAS**, the City intends to issue general obligation bonds under and pursuant to the Act to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible; and

**WHEREAS**, in connection with such proceedings the City requires the advice and assistance of bond counsel;

**WHEREAS**, the City has determined that Attorneys are qualified by training and experience to perform the services of bond counsel, and Attorneys are willing to provide such services; and

**WHEREAS**, the public interest, economy and general welfare will be served by this Agreement;

**NOW, THEREFORE, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:**

**Section 1. Attorney-Client Relationship.** Upon execution of this Agreement, the Client will be Attorney's client and an attorney-client relationship will exist between Client and Attorneys. Attorneys assume that all other parties will retain such counsel, as they deem

necessary and appropriate to represent their interests in this transaction. Attorneys further assume that all other parties understand that in this transaction Attorneys represent only the Client, Attorneys are not counsel to any other party, and Attorneys are not acting as an intermediary among the parties. Attorneys' services as bond counsel are limited to those contracted for in this Agreement; the Client's execution of this Agreement will constitute an acknowledgment of those limitations. Attorneys' representation of the Client will not affect, however, our responsibility to render an objective Bond Opinion.

**Section 2. Scope of Engagement.** Attorneys shall do, carry out and perform all of the following services as are necessary for the issuance of the Bonds:

**(a) Pre-Election Services.**

1. Coordination with the election officials in Humboldt County (the "County") to insure that the necessary legal requirements are satisfied.
2. Prepare the resolutions and ordinance of the City Council of the City required to call the election and to request consolidation with any other elections to be held on the same date.
3. Review of the tax rate statement required to be distributed to voters.
4. Consultation with the City and its staff, the County and its staff and the City's financial advisor concerning the election proceedings and campaign law requirements.

**(b) Post-Election Services.** Following the successful bond election, we will provide the following post-election services as required in connection with the issuance of General Obligation Bonds in series from time to time:

1. Consultation with the City and its staff and the City's financial advisor concerning the Bonds and the timing, terms and structure of the offering thereof.
2. Preparation of the proceedings for the authorization, issuance and sale of the Bonds, including the resolution of the City Council setting forth the terms and conditions of the Bonds and their form, date, denominations and maturity, and preparation of the proceedings for the sale of the Bonds.
3. Advising the Client, from the time Attorneys are hired as Bond Counsel until the Bonds are issued, as to compliance with federal tax law as required to ensure that interest on the Bonds is exempt from federal income taxation.
4. Upon completion of proceedings to Attorneys' satisfaction, providing a legal opinion (the "Bond Opinion") approving the validity and enforceability of the proceedings for the authorization, issuance and

delivery of the Bonds, and stating that interest on the Bonds is (a) excluded from gross income for purposes of federal income taxes, and (b) exempt from California personal income taxation. The Bond Opinion will be addressed to the Client, and may also be addressed to the underwriter of the Bonds and other participants in the financing.

5. Review those sections of the official statement or other form of offering or disclosure document (if any) to be disseminated in connection with the sale of the Bonds involving summary descriptions of the Bonds, the legal proceedings leading to the authorization and sale of the Bonds, the legal documents under which the Bonds will be issued, and federal tax law and securities law provisions applicable to the Bonds, as to completeness and accuracy.
6. Draft the continuing disclosure undertaking of the Client, if required.
7. Such other and further services as are normally performed by bond counsel in connection with similar financings.

Attorneys' Bond Opinion will be delivered by Attorneys on the date the Bonds are exchanged for their purchase price (the "Closing").

The Bond Opinion will be based on facts and law existing as of its date, will cover certain matters not directly addressed by such authorities, and will represent Attorneys' judgment as to the proper treatment of the Bonds for federal income tax purposes. Attorneys' opinion is not binding on the Internal Revenue Service ("IRS") or the courts. Attorneys cannot and will not give any opinion or assurance about the effect of future changes in the Internal Revenue Code of 1986 (the "Code"), the applicable regulations, the interpretation thereof or the enforcement thereof by the IRS. Client acknowledges that future legislation, if enacted into law, or clarification of the Code may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation, or otherwise prevent owners of the Bonds from realizing the full current benefit of the tax status of such interest. The introduction or enactment of any such future legislation or clarification of the Code may also affect the market price for, or marketability of, the Bonds. Attorneys will express no opinion regarding any pending or proposed federal tax legislation.

In rendering the Bond Opinion, Attorneys will rely upon the certified proceedings and other certifications of public officials and other persons furnished to Attorneys without undertaking to verify the same by independent investigation, and Attorneys will assume continuing compliance by the Client with applicable laws relating to the Bonds.

**Section 3. Excluded Services.** Attorneys' duties in this engagement are limited to those expressly set forth above in Section 2, except as expressly set forth in a written amendment to this Agreement. Among other things, our duties do not include:

- a. Except as described in paragraph 2(b)(5) above (under Post-Election Services), assisting in the preparation or review of an official statement or

any other disclosure document with respect to the Bonds, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the official statement or other disclosure document does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading.

- b. Preparing requests for tax rulings from the Internal Revenue Service, or "no-action" letters from the Securities and Exchange Commission.
- c. Preparing blue sky or investment surveys with respect to the Bonds.
- d. Drafting state constitutional or legislative amendments.
- e. Pursuing test cases or other litigation.
- f. Making an investigation or expressing any view as to the creditworthiness of the Client or the Bonds.
- g. Except as described in paragraph 2(b)(6) above, assisting in the preparation of, or opining on, a continuing disclosure undertaking pertaining to the Bonds or, after Closing, unless specifically requested to do so by Client, and agreed to by Attorneys, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking.
- h. After Closing, unless specifically requested to do so by Client, and agreed to by Attorneys, representing the Client in Internal Revenue Service examinations, audits or inquiries, or Securities and Exchange Commission investigations.
- i. After Closing, unless specifically requested to do so by Client, and agreed to by Attorneys, providing continuing advice to the Client or any other party concerning any actions that need to be taken regarding the Bonds; e.g., actions necessary to assure that interest paid on the Bonds will continue to be excludable from gross income for federal income tax purposes (e.g., our engagement does not include rebate calculations for the Bonds).
- j. Reviewing or opining on the business terms of, validity, or federal tax consequences of any investment agreement that the Client may choose as an investment vehicle for the proceeds of the Bonds, unless the Client and Attorneys agree on the terms of such review and compensation for such review.

- k. Reviewing or opining on the business terms of, validity, or federal tax consequences of any derivate financial products, such as an interest rate swap agreement that the Client may choose to enter into in connection with the issuance of the Bonds, unless the Client and Attorneys agree on the terms of such review and compensation for such review.
- l. Addressing any other matter not specifically set forth above that is not required to render our Bond Opinion.

**Section 4. Conflicts; Prospective Consent.** Attorneys represent many political subdivisions, investment banking firms and financial advisory firms. It is possible that during the time that Attorneys are representing the Client, one or more of Attorneys' present or future clients will have transactions with the Client. It is also possible that Attorneys may be asked to represent, in an unrelated matter, one or more of the entities involved in the issuance of the Bonds. Attorneys do not believe such representation, if it occurs, will adversely affect Attorneys' ability to represent you as provided in this Agreement, either because such matters will be sufficiently different from the issuance of the Bonds so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the Bonds. Execution of this Agreement will signify the Client's consent to Attorneys' representation of others consistent with the circumstances described in this paragraph.

## **Section 5. Compensation.**

Compensation for Attorney's Fees and costs is fully contingent upon successful sale of each series of Bonds and is computed as follows:

For the services of Attorneys acting as bond counsel, the proposed fee is Twenty-Five Thousand dollars (\$25,000).

In addition, the City shall pay to Attorneys all direct out-of-pocket-expenses for travel, messenger and delivery service, closing costs and expenses and expenses for other services incurred in connection with the services rendered by Attorneys' duties hereunder. Out-of-pocket expenses shall not exceed \$2,500. Payment of said fees and expenses to Attorneys shall be contingent and due upon the issuance of Bonds and the delivery of the proceeds thereof to the City, and said fees and expenses shall be payable solely from the proceeds of the Bonds and from no other funds of the City. In the event the Bonds do not issue or the proceeds thereof are not delivered to the City, the City shall have no obligation to pay Attorneys' fees and expenses.

## **Section 6. Responsibilities of the Client.**

### **(a) General.**

The Client will cooperate with Attorneys and furnish Attorneys with certified copies of all proceedings taken by the Client, or otherwise deemed necessary by Attorneys to render an opinion upon the validity of the proceedings. During the course of this engagement, Attorneys will rely on Client to provide Attorneys with complete and timely information on all developments pertaining to any aspect of the Bonds and their security. Attorneys are not responsible for costs and expenses incurred incidental to the actual issuance and delivery of the Bonds, including the cost of preparing certified copies of proceedings required by Attorneys in connection with the issuance of the Bonds, and printing and publication costs.

**(b) Federal Tax Law-Related Responsibilities.** The Code imposes various restrictions, conditions and requirements relating to the exclusion from gross income for federal income tax purposes of interest on obligations such as the Bonds. As a condition of Attorneys issuing their opinion, you will be required to make certain representations and covenants to comply with certain restrictions designed to insure that interest on the Bonds will not be included in federal gross income. Inaccuracy of these representations or failure to comply with these covenants may result in interest on the Bonds being included in gross income for federal income tax purposes, possibly from the date of original issuance of the Bonds. Attorneys' opinion will assume the accuracy of these representations and compliance with these covenants. Attorneys will not undertake to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of issuance of the Bonds may adversely affect the value of, or the tax status of interest on, the Bonds. In this regard, Client agrees to familiarize itself with the relevant requirements and restrictions necessary for the Bonds to qualify for exemption from federal income taxation and to exercise due diligence both before and after issuance of the Bonds in complying with these requirements.



**Section 7. Insurance.** Attorneys shall maintain insurance for the duration of this Agreement against claims for injuries to persons or damage to property that may arise from or in connection with the performance of work under this Agreement. The insurance shall be in the form and amount set forth in Exhibit A, attached.

**Section 8. Indemnification.** Attorneys agree to indemnify and hold harmless the City and its officers, agents and employees, from and against any and all liability, losses, damages, costs and expenses resulting from any professional malpractice of Attorneys, its officers, employees, agents or subcontractors determined by a court of law to have occurred in the performance of services under this Agreement.

**Section 9. Independent Contractor.** Attorneys will act as an independent contractor in performing the services required under this Agreement, and under no circumstances shall Attorneys be considered an agent, partner, or employee of the Client.

**Section 10. Assignment.** Attorneys may not assign their rights or delegate their obligations under this Agreement, in whole or in part, except with the prior written consent of the Client.

**Section 11. Termination of Agreement.** This Agreement may be terminated at any time by the Client with or without cause upon written notice to Attorneys. In the event of such termination, all finished and unfinished documents shall at the option of the Client become its property and shall be delivered to the Client by Attorneys.

\* \* \* \* \*



IN WITNESS WHEREOF, the City and Attorneys have executed this Agreement as of the date first above written.

CITY OF RIO DELL

By \_\_\_\_\_

JONES HALL, A PROFESSIONAL LAW  
CORPORATION

\_\_\_\_\_  
William H. Madison

## EXHIBIT A

### Insurance

#### *Minimum Scope of Insurance*

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial Liability coverage (occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California.
4. Errors and Omissions Liability insurance appropriate to the Attorneys' profession. Architects' and engineers' coverage shall include contractual liability.

#### *Minimum Limits of Insurance*

Attorneys shall maintain limits no less than:

- |                                    |   |
|------------------------------------|---|
| 1. General Liability:              | <b>\$1,000,000</b> per occurrence and \$2,000,000 in (including operations, for bodily injury, personal and property damage. products and completed operations) |
| 2. Automobile Liability:           | <b>\$1,000,000</b> per accident for bodily injury and property damage.  |
| 3. Errors and Omissions Liability: | <b>\$1,000,000</b> per claim and in the aggregate. limits   |

#### *Other Insurance Provisions*

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees and volunteers are to be covered as additional insureds as respects: liability arising out of work or operations performed by or on behalf of the Attorneys or automobiles owned, leased, hired or borrowed by the Attorneys.
2. For any claims related to this project, the Attorneys' insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Attorneys' insurance and shall not contribute with it.

3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

#### ***Verification of Coverage***

Attorneys shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RH*

DATE: February 7, 2012

SUBJECT: Revising the Water Reconnection Fee and Non-owner Water Deposit Fee

ATTACHEMENT: - Resolution No. 1142 -2012 – A Resolution Amending Resolution No. 998-2008

- RESOLUTION NO. 998-2008 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA ESTABLISHING WATER RATES, CHARGES, AND FEES PURSUANT TO THE PROVISIONS OF ORDINANCE NO. 241 AND AS AMENDED BY ORDINANCE NO. 243-2002

Council Action:

A. By motion move to place on the February 21, 2012 Council agenda Resolution No. 1142 -2012.

B. Take no action.

Background:

The City continues to experience write-offs related to non-payment of delinquent water bills by non-owner water customers who vacant a residence and often move out of town. The City is also experiencing customers who repeatedly fail to pay their bill and have the water shut off only to have service subsequently reconnected. The current water deposit of \$ 40.00 and reconnection fee of \$35.00

plus actual costs during regular business hours and \$75.00 plus actual costs for other times were established in 2008. Note that it has been the practice not to charge any actual costs in addition to the stipulated flat fee set forth in the resolution.

#### Discussion:

By comparing our fees with our neighboring cities it is evident our fees are too low.

	Rio Dell	Eureka	Fortuna	Arcata
Water deposit	\$40.00	\$60.00	\$125.00	\$185.00
Reconnection fee	\$35	\$39	\$75	\$35 first 3 times
		\$78 second	\$100 second	\$143 4 or more

The purpose of a water deposit fee is for the City to be able to recover unpaid bills. Under our billing system it is typical that a period of two and one half months can elapse before shut off. Consequently, the water deposit should be equal to at least two and one half months of typical billings which equate to just over \$100.00.

With respect to our reconnection fee many customers are repeat offenders. It is hoped by increasing the fee it will serve as a deterrent. It is suggested that the fee be set at \$40 for the first reconnect, \$60 for the second and \$100 for all subsequent reconnects.

In order to inform customers of the proposed changes and provide them a period to prepare for the change it is suggested the changes be made effective May 1, 2012.

#### Financial Impact:

If the increased fees serve the purpose they are intended the deposit fee should result in some additional revenue to the water department. The intent of increasing the reconnection fee is to reduce the number of shut-offs and the staff time associated addressing them.

Staff Recommendation:

The City Manager recommends Resolution No. 1142 -2012 be placed on the February 21, 2012 Council agenda for consideration.

Please note that the draft resolution is being reviewed by the City Attorney and any comments will be incorporated into the draft prior to February 21<sup>st</sup>.

**RESOLUTION NO. 1142 -2012**  
**A RESOLUTION AMENDING RESOLUTION NO. 998-2008**  
**RELATING TO THE ESTABLISHMENT OF WATER DEPOSIT**  
**AND WATER RECONNECTION FEES**

**WHEREAS**, THE City of Rio Dell is authorized by the California constitution and the California Code to charge fees to cover expenses for the services it provides; and

**WHEREAS**, The City Council of Rio Dell did on April 15, 2008 adopt Resolution No. 998-2008;

**NOW, THEREFORE, BE IT RESOLVED** that Section 7 (b) and Section 9 of Resolution No. 998-2008 are hereby rescinded as of the effective date of this Resolution and replaced by sections 7(b) and 9 as follows:

**Section 7 (b). Water Deposit for non-owner residents only \$100.00.**

**Section 9. Reconnection Fees**

Requests made between 8:00 AM and 4:00 PM when City Hall is open: \$40 for the first reconnect; \$60.00 for the second reconnect and \$100.00 for all subsequent reconnects.

An additional charge of \$75.00 will be made for requests made between 4:00 PM and 8:00 AM on weekdays, anytime on weekends or holidays.

**This Resolution shall be effective beginning May 1, 2012.**

**PASSED AND ADOPTED** this 21<sup>st</sup> day of February, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

\_\_\_\_\_  
Julie Woodall, Mayor

\_\_\_\_\_  
Karen Dunham, Clerk

**RESOLUTION NO. 998-2008  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF RIO DELL, CALIFORNIA  
ESTABLISHING WATER RATES, CHARGES, AND FEES  
PURSUANT TO THE PROVISIONS OF ORDINANCE NO. 241  
AND AS AMENDED BY ORDINANCE NO. 243-2002**

**WHEREAS**, the City of Rio Dell is authorized by the California Constitution and the California Code to charge fees to cover expenses for the services it provides;

**WHEREAS**, the City Council of Rio Dell did on November 7, 2000 adopt Water Ordinance No. 241 that allows for all rates, charges, fees and penalties contained in the ordinance to be modified by resolution of the City Council of the City of Rio Dell to provide for future charges; and

**WHEREAS**, the City Council of Rio Dell did on May 21, 2002 adopt Ordinance No. 243-2002, amending Water Ordinance No. 241, allowing for monthly bills to be calculated as set forth by resolution duly adopted by the City Council of the City of Rio Dell;

**NOW, THEREFORE, BE IT RESOLVED** that this Resolution rescinds Resolutions 907-2005, 888-2005, and 810-2002, and that all rates, charges, and fees, hereinafter set forth shall be levied and assessed beginning July 1<sup>st</sup>, 2008 as follows:

**SECTION 1. (Section 4). Backflow Preventer**

At consumer's expense plus a \$50.00 reconnection charge.

**SECTION 2. (Section 5). Installation of shut-off valves**

At consumer's expense plus a \$35.00 shut-off charge.

**SECTION 3. (Section 14). Fees for New Service Connections for Multi-Use Motels and Hotels**

\$110.00 per each said unit that has no more than (1) bathroom and no kitchen facilities or \$1,000.00, whichever is greater (80% operational; 20% capital)

**SECTION 4. (Section 15). Fees for New Service Connections**

\$2,500.00 (\$2,000.00 operational + \$500.00 capital)

**SECTION 5. (Section 16). Charges for Installing Meters**

\$200.00 or actual costs, whichever is greater.

**SECTION 6.**

**Inside the City Limits**

**For all Residential Customers**

Minimum Monthly Base Charge: \$22.66 for all users

**Usage Charge:**

0	to	100 cubic feet	Included in Monthly Base Charge
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100	to	1,000 cubic feet	\$2.06 per 100 cubic feet
Over		1,000 cubic feet	\$3.09 per 100 cubic feet

**For All Commercial and Institutional Customers**

Minimum Monthly Base Charge: \$22.66 for all users

Usage Charge (per base charge):

0	to	100 cubic feet	Included in Monthly Base Charge
Over		100 cubic feet	\$2.06 per 100 cubic feet

**For All R.V. Parks and Mobile Home Parks with significant space committed to Recreational Vehicle Parking**

Minimum Monthly Base Charge: \$22.66 for all users

Usage Charge:

0	to	100 cubic feet	Included in Monthly Base Charge
100	to	1,000 cubic feet	\$2.06 per 100 cubic feet
Over		1,000 cubic feet	\$3.09 per 100 cubic feet

**Eligibility** for R.V. Park and Mobile Home Park with significant R.V. space will be based on the following conditions and definitions:

1. **Significant R.V. space** is defined as at least 20% of the total spaces in the facility.
2. **Base charge** is calculated at 0.65 per R.V. space and 1.00 per mobile home space.
3. **Total Park water consumption** must average less than 90% of the average residential water consumption to maintain eligibility for this rate.
4. **Certification:** Mobile home park owners or operators must file a monthly sworn statement certifying that the total number of spaces in the park and the number of spaces dedicated to recreational vehicles for the entire month.
5. Mobile home spaces will be calculated as residential units.
6. If any condition is not met, the base charge will be 1.00 per space.

**Example:** A 40-unit mobile home park dedicates 8 spaces to recreational vehicles for an entire month.

Base charges for the 32 mobile home spaces	32
Base charges for 8 R.V. spaces (8 x .65)	5.2
Water included in base charge (32 + 5.2 x 100)	3720 cu. Ft.
Water at \$2.00 per 100 cubic feet (32 + 5.2 x 900)	33,480 cu. Ft.

**Outside the City Limits:**

For all Residential and Commercial Consumers Alike

Minimum Monthly Base Charge: \$33.99 for all users

Usage Charge:

0	to	100 cubic feet	Included in Monthly Base Charge
100	to	1,000 cubic feet	\$3.09 per 100 cubic feet
Over		1,000 cubic feet	\$4.64 per 100 cubic feet

**SECTION 7. (Section 24).**

**(a). Billing**

The City may read water meters on a monthly or bi-monthly basis. If a bi-monthly meter reading schedule is established, billings for the month the meters are not read shall be based on one half of the previous two month's usage.

**(b). Water Deposit for non-owner residents, only: \$40.00**

**SECTION 8. (Section 25). Penalty**

Delinquent payments: 10% penalty; 0.5% further penalty per additional month

**SECTION 9. (Section 27). Reconnection Fees**

Requests made between 8:00 a.m. and 4:00 p.m.: \$35.00 plus actual costs

Requests made between 4:00 p.m. and 8:00 a.m. on weekdays, anytime on weekends or holidays: \$75.00 plus actual costs.

**SECTION 10. (Section 29). Shut-off Fee Following Unauthorized Connection**

\$400.00 plus actual costs

**SECTION 11. (Section 40). Taking Water from Hydrants:**

\$25.00

**SECTION 12. (Section 43). Charges for Vacation Locks:**

To lock: \$10.00

To renew service: \$10.00

**BE IT FURTHER RESOLVED**, that rates will be increased by three percent annually effective July 1<sup>st</sup> of each year.


**PASSED AND ADOPTED** this 15<sup>th</sup> day of April 2008 by the following vote:

**AYES:** Mayor Leonard, Councilmembers Barsanti, Dunker and Woodall

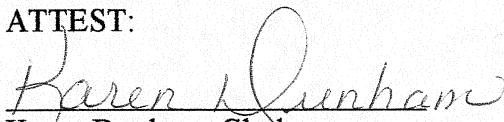
**NOES:** None

**ABSTAIN:** None

**ABSENT:** Councilmember Marks

  
R.L. Leonard, Mayor

**ATTEST:**

  
Karen Dunham, Clerk

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RH*

DATE: February 7, 2012

SUBJECT: City Manager Succession

COUNCIL ACTION:

- A. Direct the City Manager to explore the feasibility of a half-time City Manager.
- B. Direct the City Manager to initiate recruitment of a full-time City Manager.
- C. Take no action at this time.

BACKGROUND:

As a popular song once said, "There is a time to every purpose." It is a privilege and pleasure to serve as your City Manager. Together we have accomplished much. However, my time for retirement looms in the future this year and in order to facilitate a seamless transition it is now the time to begin succession planning.

Two key elements of the City's future are to ensure City government is financially sustainable and well managed. To this end I propose that the City Council explore the feasibility of a very well qualified half-time City Manager position.

Over the past 18 months the City has undertaken a number of initiatives and by the time I leave nearly all of these will be finalized in some manner or simply remain to be constructed i.e. the wastewater facility, Wildwood Avenue streetscape and, with voter approval, the street improvement assessment project. It is my opinion all of these could be accomplished by a well experienced and qualified half-time City Manager working closely with the experienced and capable existing City staff. The cost savings of this approach would significantly contribute to the long term sustainability of City government.

If the City for whatever reason is unable to identify a suitable candidate for the position in the near term ample time remains to undertake recruitment for a full-time City Manager before my time expires.

RECOMMENDATION:

The City Manager recommends the Council direct the City Manager to explore the feasibility of a half-time City Manager.

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675 Wildwood Avenue  
Rio Dell, CA 95562



**STAFF REPORT  
RIO DELL CITY COUNCIL  
FEBRUARY 7, 2012**

TO: Rio Dell City Council

FROM: Karen Dunham, City Clerk

THROUGH: Ron Henrickson, City Manager *RH*

DATE: February 7, 2012

SUBJECT: Abandoned Vehicle Abatement Fee

**RECOMMENDATION**

Approve Resolution 1143-2012 approving an election on the question of renewing the countywide Abandoned Vehicle Abatement Fee to be scheduled in conjunction with the June 5, 2012 Primary election, rescinding Resolution No. 799, and directing staff to transmit a certified copy of the resolution to the Clerk of the Board no later than February 17, 2012.

**BACKGROUND AND DISCUSSION**

The Abandoned Vehicle Program is a State program that allows counties and incorporated areas to receive funding to help defray the costs of removing abandoned vehicles within the respective jurisdictions.

In 1992, the County of Humboldt established an Abandoned Vehicle Abatement Authority in which the City is a member and imposed a fee of \$1.00 per vehicle registration, to be used for the abatement of abandoned vehicles in accordance with Section 9250.7 of the California Vehicle Code.

The California Vehicle Code required that abandoned vehicle fees be renewed every 10 years until the passage of Proposition 26 in 2010 which altered the definitions of "fee" and "tax" under the California Constitution, and the abandoned vehicle abatement fee is now considered a tax that is subject to a voter approval requirement.

Thus, on January 10, 2012, the Humboldt County Board of Supervisors approved going forward with the election on the Abandoned Vehicle Abatement Fee for the June 5, 2012 primary election. In order to do this, the County needs the concurrence of the majority of the incorporated cities.

**RESOLUTION NO. 1143-2012**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF RIO DELL REQUESTING THAT THE HUMBOLDT  
COUNTY BOARD OF SUPERVISORS CALLS FOR AN ELECTION  
ON THE QUESTION OF RENEWING THE COUNTYWIDE  
ABANDONED VEHICLE ABATEMENT FEE TO BE SCHEDULED  
IN CONJUNCTION WITH THE JUNE 5, 2012 PRIMARY ELECTION**

**WHEREAS**, the Abandoned Vehicle Abatement Program is a State of California program whereby counties and incorporated communities can receive funding to help defray the costs of removing abandoned vehicles within their jurisdiction; and

**WHEREAS**, the County of Humboldt established an Abandoned Vehicle Abatement Authority in 1992 in accordance with the California Vehicle Code, and the City of Rio Dell is a member of that authority; and

**WHEREAS**, in 1992, Humboldt County imposed a fee of \$1.00 per vehicle registration for the abatement of abandoned vehicles in accordance with Section 22710 of the California Vehicle Code; and

**WHEREAS**, the passage of Proposition 26 in 2010 altered the definitions of “fee” and “tax” under the California Constitution, and legal counsel has advised that the abandoned vehicle abatement fee is now considered a tax; and

**WHEREAS**, under Proposition 26, the abandoned vehicle abatement fee may only be extended by voter approval; and

**WHEREAS**, the Humboldt County Board of Supervisors is requesting that a majority of the cities containing a majority of the incorporated population adopt resolutions calling for an election on the question of renewing the countywide Abandoned Vehicle Abatement Fee; and

**WHEREAS**, the abatement fee will sunset on April 30, 2012 and can only be reinstated with voter approval;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Rio Dell as follows:

1. That the City of Rio Dell desires to continue participation in the Humboldt County Abandoned Vehicle Abatement Program in accordance with the California Vehicle Code.
2. That City of Rio Dell Resolution No. 799 which extended the abatement fee without voter approval is hereby rescinded.
3. That the City Clerk is directed to transmit a certified copy of this Resolution to the Clerk of the Board no later than February 17, 2012.

4. That this resolution shall take effect immediately upon its adoption by the City Council of the City of Rio Dell.

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on this 7<sup>th</sup> day of February 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk

STATE OF CALIFORNIA    )  
City of Rio Dell            )

I, KAREN DUNHAM, City Clerk of the City of Rio Dell, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above entitled matter by said City Council at a meeting held in Rio Dell, California as the same now appears of record in my office.

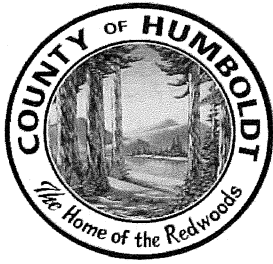
IN WITNESS WHEREOF, I have  
hereunto set my hand and affixed  
the Seal of said City of Rio Dell

KAREN DUNHAM

City Clerk of the City of Rio Dell,  
State of California

By \_\_\_\_\_





**COUNTY ADMINISTRATIVE OFFICE  
MANAGEMENT & BUDGET TEAM  
COUNTY OF HUMBOLDT**

825 5th Street, Suite 111, Eureka, CA 95501-1153  
Telephone (707) 445-7266 Fax (707) 445-7299  
cao@co.humboldt.ca.us

January 12, 2012

Ron Hendrickson, City Manager  
Rio Dell City Hall  
675 Wildwood Ave.  
Rio Dell, CA 95562

Dear Ron:

On Tuesday, the Humboldt County Board of Supervisors approved going forward with the election on the Abandoned Vehicle Abatement Fee for the June 5, 2012, primary. In order to do this the County needs the concurrence of the majority of the cities containing a majority of the incorporated population. Please present this item to your City Council. If your Council agrees then please send a resolution to the Humboldt County Clerk of the Board, attention: Nikki Turner, 825 5<sup>th</sup> Street, Room 111, Eureka, CA 95501, by February 17, 2012.

In addition, please note that we have been advised by DMV of costs of approximately \$31,000 to program their computers to stop collecting this fee May 1, and an equivalent amount to restart collection if an election is successful. While DMV can take this fee directly out of amounts collected prior to distributing it to us, you should be aware that this will affect the amount available to you for program purposes.

Please feel free to contact me if you have any questions.

Sincerely,

Phillip Smith-Hanes  
County Administrative Officer

:nb

